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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,434	10/02/2000	Pascal Portrait	D-7683	4851

25572 7590 09/08/2003

THE MEAD CORPORATION  
LEGAL DEPARTMENT  
4850D NORTH CHURCH LANE  
SMYRNA, GA 30080

EXAMINER

PARADISO, JOHN ROGER

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 09/08/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/600,434

Applicant(s)

PORTRAIT, PASCAL

Examiner

John R. Paradiso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1,2,4-6,8,10,12,13 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 12,13,16-18 and 20 is/are allowed.
- 6) ☐ Claim(s) 1,2,4-6,8,10 is/are rejected.
- 7) ☐ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) ~~12,13,16-18 and 20~~ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendments***

1. In view of the amendments filed 6/16/2003, the objections to the claims are hereby withdrawn.
2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by DIETRICH ET AL (US 5657610).

DIETRICH ET AL discloses a mechanism for grouping articles (30) in which an endless conveyor (37) moves an endless series of channels (39) along which articles are passed. The articles are organized into groupings (38) which are then subdivided into subgroupings (39) and pushed into containers. (See DIETRICH ET AL col. 1:65-2:35 and Fig. 1.)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4-6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over MONCRIEF (US 5531661).

MONCRIEF discloses a method and apparatus for forming cartons in which a carton blank (B) is conveyed past a die member (36) which has an indentation (58). A complementary die member (38) is provided to work with the die member (36). The protrusion (62), while not being connected physically to the complementary die member, acts with the complementary die and is synchronized so that it is pressed by the complementary die to fit into the indentation of the die member (36). The blank is folded/opened by die member (70), which has a protrusion (68) that helps to open the blank.

MONCRIEF does not disclose the use of a die with an indentation/complementary die with a protrusion for the opening/folding of the blank.

However, MONCRIEF does disclose the use of a die with an indentation/complementary die with a protrusion for initial handling of the blank and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the invention of MONCRIEF with a die with an indentation to work in a complementary manner with the die (70) with the protrusion (68), as taught by die / complementary die pair (36, 38) elsewhere in the

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same invention, in order to more positively control the blank as it is handled throughout the process.

7. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over MONCRIEF, as applied to claim 1 above, and further in view of DIETRICH ET AL.

MONCRIEF discloses a method and apparatus for forming cartons, as described above.

MONCRIEF does not disclose grouping articles in which an endless conveyor moves an endless series of channels along which articles are passed.

DIETRICH ET AL discloses a mechanism for grouping articles (30) in which an endless conveyor (37) moves an endless series of channels (39) along which articles are passed. The articles are organized into groupings (38) which are then subdivided into subgroupings (39) and pushed into containers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the mechanism and method of DIETRICH ET AL to group articles on an endless conveyor in an endless series of channels so that the articles can be subgrouped and then pushed into containers to the invention of MONCRIEF, in order to fill the erected cartons of MONCRIEF with pre-positioned articles.

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*Allowable Subject Matter*

8. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claims 12, 13, 16-18, and 20 are allowed.
10. The following is a statement of reasons for the indication of allowable subject matter: the prior art could not alone or in combination anticipate or make obvious a method or apparatus in which articles are provided with an outwardly protruding portion in fixed position relative to a label on the article, the protrusion then being moved till it reaches an abutment in a carrier of the articles so that the articles are aligned in the carrier.

*Reference Citations*

11. The following prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:
  - STRICKER discloses a method of packaging articles in which the articles are aligned to that a label faces in the desired direction, the label having UV indicators to aid in positioning.

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*Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.



Examiner John Paradiso: (703) 308-2825

September 8, 2003

Additional Phone Numbers:

Supervisor Rinaldi Rada: (703) 308-2187

TC 3700 Receptionist: (703) 308-1148

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